

4086. Adulteration and misbranding of cherry wine and grape wine. U. S. * * * v. Brownsville Fruit Distilling Co., a corporation. Plea of guilty. Fine, \$20. (F. & D. No. 5819. I. S. Nos. 5943-e, 5944-e.)

At the February, 1915, term of the District Court of the United States for the Eastern District of New York, the United States attorney within and for said district, acting upon a report by the Secretary of Agriculture, filed in the district court afore-said an information against the Brownsville Fruit Distilling Co., a corporation, Brooklyn, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 4, 1913, from the State of New York into the State of Pennsylvania, of a quantity of cherry wine and grape wine, which products were adulterated and misbranded in violation of the Food and Drugs Act. The cherry wine was labeled in part: "Cherry Wine." (On tag) "To order of Brownsville Fruit Distilling Co., 1842-44 Pitkin Avenue, Brooklyn, N. Y."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results, expressed as grams per 100 cc, unless otherwise noted:

Solids (Brix table).....	38.89
Nonsugar solids.....	11.03
Sucrose by copper.....	0.46
Reducing sugars as invert.....	27.40
Polarization, direct, at 22° C., undiluted (°V.).....	+55.50
Polarization, invert, at 22° C., undiluted (°V.).....	+55.40
Polarization, invert, at 87° C., undiluted (°V.).....	+80.80
Glucose (factor 163).....	12.95
Tartaric acid (wine method).....	0.07
Malic acid (Dunbar-Bacon method).....	0.18
Citric acid (Denige's tests): None.	
Benzaldehyde: None.	
Hydrocyanic acid (Schonbein test): None.	

Adulteration of the article was alleged in the information for the reason that an imitation product, prepared in part from starch sugar, and containing little or no cherry, had been substituted in whole or in part for genuine cherry wine which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Cherry Wine," borne on the label of the article, was false and misleading in that it represented and purported said article to be a genuine cherry wine, whereas, in truth and in fact, it was not a genuine cherry wine, but was an imitation product, prepared in part from starch sugar and containing little or no cherry. Misbranding was alleged for the further reason that the article was labeled "Cherry Wine" so as to deceive and mislead the purchaser into the belief that it was a genuine cherry wine, whereas, in truth and in fact, it was not a genuine cherry wine, but was an imitation product, prepared in part from starch sugar, and containing little or no cherry.

The grape wine was labeled in part: "Grape Wine" (Other end of barrel) Labeled in Yiddish, and "Brownsville Fruit Distilling Co." Some illegible matter "New York."

Analysis of a sample of this product by the said Bureau of Chemistry showed the following results, expressed as grams per 100 cc, unless otherwise noted:

Solids (Brix table).....	34.47
Nonsugar solids.....	8.92
Sucrose by copper.....	6.57
Reducing sugar as invert.....	18.98
Polarization, direct, at 22° C., undiluted (°V.).....	+95.60
Polarization, invert, at 22° C., undiluted (°V.).....	+62.32

Polarization, invert, at 87° C., undiluted (°V.).....	+84. 70
Sucrose (Clerget).....	6. 57
Glucose (factor 163).....	13. 51

Benzoic acid (modified Mohler test): Positive.

Colored with coal-tar color, Amaranth, S. & J. 107.

Product contains glucose sirup and sodium benzoate, and is colored with a coal-tar dye.

Adulteration of the article was alleged in the information for the reason that an imitation product, containing glucose and benzoate of soda, had been substituted in whole or in part for genuine grape wine which the article purported to be, and for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Grape Wine," borne on the label of the article, was false and misleading in that it purported and represented said article to be a genuine grape wine, whereas, in truth and in fact, it was not a genuine grape wine, but was an imitation product, artificially colored, containing glucose and benzoate of soda. Misbranding was alleged for the further reason that the article was labeled "Grape Wine" so as to deceive and mislead the purchaser into the belief that it was a genuine grape wine, whereas, in truth and in fact, it was not a genuine grape wine, but was an imitation product, artificially colored, containing glucose and benzoate of soda.

On March 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 1, 1915.*